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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,203	10/11/2001	Haihong Zheng	4925-142	8825

7590 06/30/2005
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EXAMINER

LUU, LE HIEN

ART UNIT PAPER NUMBER

2141

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,203

Applicant(s)

ZHENG ET AL.

Examiner

Le H Luu

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/11/2001 - 04/07/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 11-13, 17, 19-22, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 5-6, 8-10, 14-16, 18, 23, 24, 27 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/11/01- 04/07/03</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-28 are presented for examination.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7, 11-13, 17, 19-22, and 25-26 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Applicant's Admitted Prior Art disclosed in this application (Applicant's Admitted Prior Art), in view of Arunachalam et al. (Arunachalam) patent no. 6,631,122.

4. As to claim 1, Applicant's Admitted Prior Art teaches the invention substantially as claimed, including a method of determining which entity in an Internet Protocol (IP) network will establish Quality of Service (QoS), wherein the IP network is comprised of a user node, comprising the steps of:

providing, by the IP network, the user node and the IP network is capable of establishing QoS (pages 1-2 para. [0007 – 0016]); and

selecting, by the user node, one of the IP network and the user node to establish QoS, if the IP network indicates that both the user node and the IP network are capable of establishing QoS (pages 1-2 para. [0007 – 0016]).

However, Applicant's Admitted Prior Art does not explicitly teach transmitting, by the IP network, a message indicating which of at least one of the user node and the IP network is capable of establishing QoS.

Arunachalam teaches Wireless QoS agent negotiates service between the Wireless QoS agent and end user (col. 8 lines 29-53).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Arunachalam with Applicant's Admitted Prior Art to transmit a message to indicate which of at least one of the user node and the IP network is capable of establishing QoS because it would provide dynamic link adaptability, resource allocation capabilities, and seamless extension of IP QoS to mobile user.

5. As to claims 2-4, Applicant's Admitted Prior Art teaches the user node is a mobile terminal; the message transmitted by the IP network is a broadcast message to any IP node which can receive it; the message transmitted by the IP network is a Mobile IPv4 Agent Announcement message, and wherein the Mobile IPv4 Agent Announcement message contains at least one field to indicate which of at least one of the user node and the IP network is capable of establishing QoS (pages 1-2 para. [0007 – 0016]; page 3 para. [0036-0037]).

6. As to claim 7, 11-13, 17, Applicant's Admitted Prior Art teaches the message transmitted by the IP network is a message transmitted during a registration procedure of the user node; the message transmitted by the IP network is a message transmitted

during a session setup procedure; transmitting a message selecting one of the user node and the IP network to establish QoS; the message transmitted by the user node is a message transmitted during a registration procedure of the user node; the message transmitted by the user node is a message transmitted during a session setup procedure of the user node (pages 1-2 para. [0007 – 0016]; page 3 para. [0036-0037]).

7. Claims 19-22 and 25-26 have similar limitations as claims 1-4, 7, 11-13, 17; therefore, they are rejected under the same rationale.

8. Claims 5-6, 8-10, 14-16, 18, 23-24, and 27-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H Luu whose telephone number is 571-272-3884. The examiner can normally be reached on 7:00am - 4:30pm.

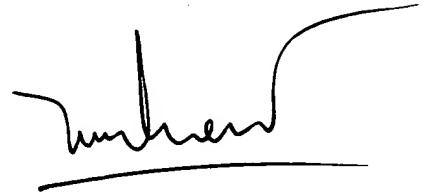
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Le Hien Luu', written over a horizontal line.

LE HIEN LUU
PRIMARY EXAMINER

June 24, 2005